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Paper No. 4

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In re Application of :
Bush :
Application No. 10/015,025 : ON PETITION
Filed: December 11, 2001 :
Attorney Docket No.: 14876 : OFFICE OF PETITIONS

This is a decision on the petition filed April 5, 2002 requesting that the above-identified application be granted a filing date of December 11, 2001.

The application was filed December 11, 2001. On February 22, 2002, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") advising applicant that the application had been accorded a filing date but that Figure 5 described in the specification appeared to have been omitted from the application.

In response, petitioner argues that the application as deposited included Figure 5 and has included as proof of receipt of Figure 5 a return postcard date stamped December 11, 2001 by the Office acknowledging receipt of five (5) sheets of drawings. Petitioner has also provided a copy of Figure 5 purportedly filed December 11, 2001.

The original Figure 5 submitted with the application papers has not been located. However, in view of the evidence presented, the Notice mailed February 22, 2002 is hereby **WITHDRAWN** and the petition to accord the application a filing date of December 11, 2001 is **GRANTED**.

Since the original Figure 5 cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No fee is due in connection with this matter. Petitioner may request a refund of the previously submitted petition fee of \$130.00 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 11, 2001.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

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